

Message Text

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PAGE 01 STATE 018359
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EXDIS MILITARY ADDRESSEES HANDLE AS SPECAT EXCLUSIVE

E.O. 11652: GDS

TAGS: MARR, RP

SUBJECT: PHILIPPINE BASE DISCUSSIONS: EXCHANGE OF
NOTES AND IMPLEMENTING ARRANGEMENTS

REF: MANILA 795 (DTG 160941 JAN 78)

SECRET

SECRET

PAGE 02 STATE 018359

1. WE APPROVE THE GENERAL APPROACH OUTLINED REFTTEL.
2. WE HAVE THE FOLLOWING INITIAL SUGGESTIONS WITH RESPECT
TO THE PROPOSED EXCHANGE OF NOTES SET FORTH IN PARA. 4A
REFTTEL:
 - A. IN THE INTRODUCTORY PARAGRAPH, CHANGE "REVISION" TO

"MODIFICATION" FOR CONSISTENCY WITH THE AGREED LANGUAGE OF PARA. G. ELIMINATE THE PHRASE "PRESENTLY KNOWN AS... NAVAL COMMUNICATIONS STATION." BY LISTING ONLY THE FIVE MAJOR BASES, THE APPLICABILITY OF THIS EXCHANGE OF NOTES TO OTHER LESSER INSTALLATIONS, E.G., DEL MONTE AIR STATION, WOULD BE UNCERTAIN AND COULD GIVE RISE TO MISUNDERSTANDINGS. INCLUSION OF THE FIVE MAPS WILL MAKE CLEAR INTENT TO COVER ALL FIVE FACILITIES.

B. CHANGE PARA. A TO READ "THE SOVEREIGNTY OF THE PHILIPPINES EXTENDS TO THE BASES, WHICH ARE PHILIPPINE MILITARY

BASES. THE PHILIPPINES AUTHORIZES THE US TO USE FACILITIES WITHIN THESE BASES." EXPLICIT EXTENSION OF PHILIPPINE SOVEREIGNTY TO US FACILITIES IS TROUBLESOME SINCE THE TERM "FACILITIES" IS NOT MERELY GEOGRAPHIC BUT INCLUDES PROPERTY AND COULD BE CONSTRUED TO INCLUDE OPERATIONS AND OTHER ACTIVITIES. WE WISH TO AVOID ANY LANGUAGE WHICH MIGHT SUBORDINATE US PROPERTY, PERSONNEL OR ACTIVITIES TO PHILIPPINE CONTROL BUT WILL CONSIDER ANY ALTERNATIVE FORMULATION YOU MAY PROPOSE. WE ALSO BELIEVE A SPECIFIC AUTHORIZATION FOR USE OF FACILITIES IS DESIRABLE.

C. FOLLOWING NORMAL PRACTICE WITH OTHER BASE COMMANDERS,
SECRET

SECRET

PAGE 03 STATE 018359

REVISE PARA. B TO READ: "PHILIPPINE MILITARY BASES AND US FACILITIES THEREIN ARE IDENTIFIED, BUT NOT DEFINITELY, ON THE ATTACHED MAPS. MORE PRECISE IDENTIFICATIONS AND EXACT BOUNDARIES SHALL BE AGREED UPON AS SOON AS POSSIBLE BY THE MUTUAL DEFENSE BOARD, AFTER A JOINT SURVEY TO BE CONDUCTED BY REPRESENTATIVES OF THE TWO PARTIES."

D. IN PARA. 3, MAKE "COMMANDER" PLURAL IN BOTH INSTANCES FOR CONSISTENCY WITH PREVIOUS PARAGRAPH. ALSO ADD "US" BEFORE "FACILITIES" TO LEAVE NO DOUBT THAT ALL FACILITIES REFERRED TO IN THE EXCHANGE OF NOTES ARE US FACILITIES. FOR CONSISTENCY, A SIMILAR ADDITION SHOULD BE MADE BEFORE "FACILITIES" IN PARA. C.

E. THE PARAGRAPH CONCERNING SUPERSEDING PORTIONS OF THE 1947 AGREEMENT MAY BE TOO BROAD AND UNSPECIFIC AS PRESENTLY DRAFTED AND WILL NEED TO BE REVIEWED AFTER WE DEVELOP THE IMPLEMENTING ARRANGEMENTS.

2. WE NOTE THAT YOU PROPOSE TO CLARIFY THE TERMS "BASE" AND "FACILITY" IN THE IMPLEMENTING ARRANGEMENTS AND ASSUME THESE WILL BE SO DRAFTED AS TO AVOID (IF POSSIBLE)

THE PROTRACTED DISAGREEMENTS WITH THE GOP CONCERNING THE MEANING OF "BASE", "INSTALLATIONS" AND "FACILITY" WHICH PLAGUED THE 1976 NEGOTIATIONS.

3. WE ASSUME THAT YOU INTEND TO INCLUDE THE PROPOSED EXCHANGE ON VOA AND STATE COMMUNICATIONS SITES AS A SEPARATE ITEM IN THE COMPLETE PACKAGE OF NOTES.

4. WE NOTE THAT THE OUTLINE DOES NOT ADDRESS THE QUESTION OF COMPENSATION TO THE GOP FOR SECURITY ARRANGEMENTS. WE AGREE THAT, AT LEAST FOR THE TIME BEING, WE SHOULD ADDRESS THIS QUESTION SEPARATELY AS PART OF OUR STUDY. YOUR SUGGESTIONS WOULD BE WELCOME.

SECRET

SECRET

PAGE 04 STATE 018359

5. WE HAVE NO FURTHER ADDITIONS TO PROPOSE AT THIS TIME TO THE OUTLINE OF IMPLEMENTING ARRANGEMENTS IN PARA. 4B REFTTEL, AND LOOK FORWARD TO RECEIVING YOUR SUGGESTED TEXTS THEREOF. IN THIS CONNECTION, WE CONSIDER IT CRITICALLY IMPORTANT NOT TO DEROGATE FROM THE VERY BROAD POWERS GRANTED THE US UNDER ARTICLE III OF THE 1947 MBA, EXCEPT AS CHANGED CIRCUMSTANCES (E.G., THE ROLE OF THE PHILIPPINE BASE COMMANDER) CLEARLY REQUIRE. VANCE

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